

REMARKS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided, and for the acknowledgment of Applicants' Claim for Priority and receipt of the certified copy of the priority document in the Official Action.

Upon entry of the above amendments, claim 1 will have been amended. Claims 1, 4-6, 8 and 9 are currently pending. Applicants respectfully request reconsideration of the outstanding objections and rejections, and allowance of all the claims pending in the present application.

On page 2 of the Official Action, the drawings were objected to because Figures 1, 2A-2D, 3A and 3B were not designated as prior art. Applicants note that three replacement sheets of drawings are being submitted herewith to address the issue pointed out by the Examiner. In particular, Figures 1, 2A-2D, 3A and 3B have been labeled as "Prior Art". Accordingly, Applicants respectfully request that the Examiner withdraw the objection to the drawings.

On pages 3-5 of the Official Action, claims 1, 4-6, 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Admitted Prior Art system shown in Figures 1, 2A-2D, 3A and 3B (hereinafter "the APA") in view of MIURA et al. (U.S.

Patent No. 5,850,851). The Examiner acknowledges that the APA lacks a helical plate spring check valve. However, the Examiner takes the position that MIURA et al. discloses such a helical plate spring check valve 40C, and that it would have been obvious to one of ordinary skill in the art to provide such a helical plate spring check valve in the system of the APA in order to provide a positive checked position (closed position) and a low-restriction flow in the open position.

Applicants respectfully traverse the rejection of claims 1, 4-6, 8 and 9 under 35 U.S.C. § 103(a).

Applicants submit that MIURA et al. lacks any disclosure of a check valve in the form of a *helical plate spring having parts which overlap*. As clearly shown in Figures 12 and 13 of MIURA et al., the valves 40C and 40D have spaced openings separating the different parts of the valves, such that the different parts do not overlap. Compare, for example, Figures 4A and 5B of the present application, which depict a spring valve in a closed position having overlapping parts. Applicants note that such overlapping is not necessary in the system of MIURA et al. since the central leaf elements 41C (Figure 11) and 41D (Figure 13) alone closes the valve (note Figures 2, 3 and 6, and column 7, lines 45-67). Accordingly, Applicants submit that MIURA et al. can not be viewed as teaching the provision of a check valve in the form of a *helical plate spring having parts which overlap*.

Applicants further submit that the fuel tank system for automobiles disclosed in MIURA et al. is not analogous to the piston reciprocating compressor of the APA. Accordingly, Applicants submit that one of ordinary skill in the art of piston reciprocating compressors would not have looked to such a fuel tank system for automobiles for teachings of a valve.

Accordingly, Applicants submit that the modification suggested by the Examiner is the result of impermissible hindsight reasoning based upon the disclosure of the present application, rather than the teachings of the applied prior art. Applicants submit that this is particularly true in this case given the complete lack of any disclosure of a *helical plate spring check valve having parts which overlap* in MIURA et al.

Applicants also submit that dependent claims 4, 5, 6 and 9 which are at least patentable due to their respective dependencies from claims 1 and 8, for the reasons noted above, recite additional features of the invention and are also separately patentable over the prior art of record. For example, MIURA et al. lacks any disclosure of a check valve in a stair shape having a narrower width as distance from the hole increases (claim 4), or a circular helix shape, triangular helix shape or rectangular helix shape check valve (claim 9).

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Applicants respectfully submit that the rejection of claims 1, 4-6, 8 and 9 under 35 U.S.C. § 103(a) is improper at least for each and certainly for all of the above-noted reasons. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection, and an early indication of the allowance of these claims.

SUMMARY AND CONCLUSION


Entry and consideration of the present amendment, reconsideration of the outstanding Official Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Any amendments to the claims that have been made in this amendment, which do not narrow the scope of the claims, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered cosmetic in nature, and to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
LEE et al.



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Attachments: 3 Replacement Sheets of Drawings